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July 12, 2006

VIA ECF

Honorable Michael L. Orenstein
United States District Court - Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-4443

Re: S & L Vitamins, Inc. v. Australian Gold, Inc.
05 CV 01217 (JS)(MLO)

Dear Judge Orenstein:

Mintz Levin represents defendant/third-party plaintiff, Australian Gold, Inc., in the above-referenced action. At the last conference on May 16, 2006, the Court ordered a sixty day stay of all deadlines to permit the parties to discuss settlement. Unfortunately, settlement discussions were unsuccessful and the parties are at an impasse. Accordingly, Australian Gold intends to move for summary judgment and respectfully requests that the Court set a briefing schedule for the parties' submissions at the July 18, 2006 conference.

Respectfully,

Francis J. Earley

cc: David Stein, Esq. (via ECF)
Scott D. Matthews (via ECF)
Kevin Fitzgerald (via ECF & facsimile)